

# Order

Michigan Supreme Court  
Lansing, Michigan

October 27, 2010

Marilyn Kelly,  
Chief Justice

141597

Michael F. Cavanagh  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway  
Alton Thomas Davis,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 141597  
COA: 286784  
Wayne CC: 07-020203

MICHAEL DENNIS REID,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the June 10, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the Court of Appeals decision that the circuit court did not have jurisdiction to try the defendant's misdemeanor charge once the felony charge was dismissed on the day of trial. The circuit court was vested with jurisdiction over the misdemeanor charge because the defendant was charged with a felony and a misdemeanor that arose out of the same criminal transaction. Once jurisdiction has properly attached, any doubt is resolved in favor of retaining jurisdiction. *People v Veling*, 443 Mich 23, 32 (1993). Moreover, "any legislative intent to divest jurisdiction once it has properly attached must be clearly and unambiguously stated." *Id.* at 32 n 13, citing *Leo v Atlas Industries, Inc*, 370 Mich 400, 402 (1963). Although MCL 600.8311(a) provides that the district court shall have jurisdiction over misdemeanors punishable by not more than one year in jail, it does not expressly divest the circuit court of jurisdiction in the circumstances of this case. We REMAND this case to the Court of Appeals for consideration of the defendant's additional issues.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2010

*Corbin R. Davis*

Clerk